

Remarks/Arguments

Claims 65-77 remain in this application. Applicant acknowledges and is appreciative of the notice that claims 65-70, 76, and 77 are allowed.

Claims 71-75 were objected to under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 105 of U.S. patent No. 6,241,493. U.S. Patent No. 6,241,493 and the instant application (a continuation of 6,241,493) have the same inventor (Turner) and the same owner (Spherical Machines, Inc.). Accordingly a terminal disclaimer is required to overcome the objection to claims 71-75.

Terminal Disclaimer

Applicant acknowledges and apologizes for the use of an incorrect Terminal disclaimer in the response to the first office action. Included in this response is a form PTO/SB/26 filled out and signed by the agent of record. Also included is a terminal disclaimer fee of \$65 (small entity) as per 37 CFR 1.20(d). The owner is listed as Spherical Machines, Inc., the assignee of the original patent 6,241,493 of which this application is a continuation. If there are any further procedural errors in the disclaimer please contact the agent of record at 512-431-2954 in order to expedite any corrections.

In light of the above arguments Applicant respectfully requests reconsideration and further examination of claims 71-75 of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue in a timely manner with claims 65-77 allowed.

Respectfully submitted,

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CERTIFICATE OF MAILING

37 CFR 1.10

I certify that this correspondence is deposited, on the date set below, with the United States Postal Service as Express Mail under the mailing label set forth below, and addressed to:

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